

Notice of Allowability	Application No.	Applicant(s)	
	10/810,337	VERNEKAR ET AL.	
	Examiner	Art Unit	
	Vickey Ronesi	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☐ The allowed claim(s) is/are 1-4 and 7-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>9/9/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/21/06</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|---|

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Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

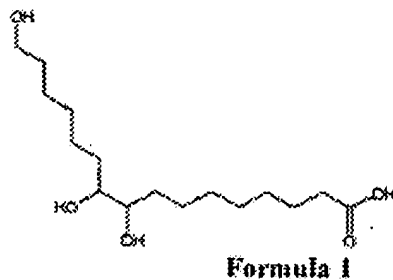
Authorization for this examiner's amendment was given in a telephone interview with Amy Klann on 11/21/2006.

The application has been amended as follows:

IN THE CLAIMS:

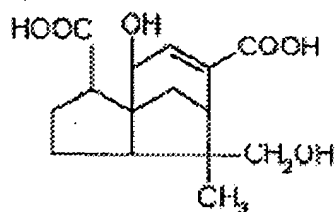
- Replace claim 1 with the following:

1. A nucleated polyolefin having a nucleating agent selected from alkali or alkaline earth metal salts of aleuritic acid of Formula 1



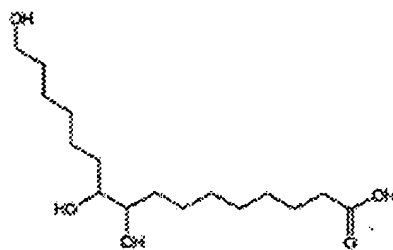
or shelloic acid of Formula 2

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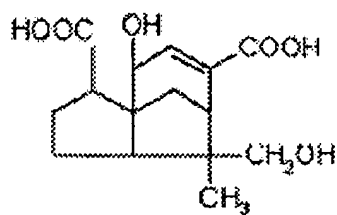
**Formula 2**

- Replace claim 2 with the following:

2. A process for the preparation of a nucleated polyolefin comprising mixing a polyolefin with a nucleating agent selected from alkali or alkaline earth metal salts of aleuritic acid of Formula 1

**Formula 1**

or shelloic acid of Formula 2

**Formula 2**

or a mixture thereof and extruding the polyolefin and nucleating agent at a temperature that is at least the melting point of the polyolefin to obtain the nucleated polyolefin.

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- In claim 4, line 1, replace “the comonomer” with --the one or more comonomers--.
- Cancel claims 5 and 6.
- In claim 7, at the end of line 1, delete “/”.
- In claim 8, line 2, replace “and” with --or--.
- In claim 9, line 2, replace “and” with --or--.
- In claim 9, line 3, delete “precipitated”.
- In claim 9, line 4, replace “1200°C” with --120°C--.
- In claim 9, line 4, delete “water soluble”.
- In claim 10, line 2, replace “lithium, calcium and aluminum” with --lithium, and calcium--.
- In claim 11, line 1, replace “polylefin” with --polyolefin--.

Statement of Reasons for Allowance

The present claims are allowable over the closest prior art of Amos et al (WO 98/29494) and Wales (3,207,739) for the following reasons:

The present claims are drawn to a nucleated polyolefin which is nucleated by a nucleating agent selected from alkali or alkaline earth metal salts of aleuritic acid, shelloic acid, or mixtures thereof and to a process of preparing a nucleated polyolefin with such a nucleating agent.

Amos et al discloses a method of nucleating polyolefins with salts of alicyclic dicarboxylates, however, it fails to disclose or suggest the use of aleuritic acid or shelloic acid.

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Wales discloses a method of nucleating polyolefins with alkali and alkaline earth metal salts of mono-, di-, and poly-carboxylic acids, however, it fails to disclose or suggest with sufficient specificity the use of aleuritic acid or shelloic acid.

Thus, it is clear that Wales and do not disclose or suggest the claimed invention.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/21/2006

Vickey Ronesi



Vasu Jagannathan
VASU JAGANNATHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700